

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MAURICE JILES,

Plaintiff,

v.

OFFICER C/O ROBERSON,

Defendant.

2:15-cv-00317-RFB-GWF

ORDER

This matter is before the Court on Plaintiff's Motion for Order to Obtain to Support Discovery Medical Records from Valley Hospital (ECF No. 17), filed June 8, 2016. Defendant filed his Response on June 20, 2016. (ECF No. 23).

Although Courts broadly construe pleadings filed by pro se litigants, even pro se litigants must comply with the Federal Rules of Civil Procedure. *See Balistreri v. Pacifica Police Dep't.*, 901 F.2d 696, 699 (9th Cir.1990); *see also Carter v. Comm'r of Internal Revenue*, 784 F.2d 1006, 1008 (9th Cir. 1986). Pro se litigants are not treated more favorably than parties with attorneys of record and are expected to abide by the rules of the court in which litigation proceeds. *Carter*, 784 F.2d at 1008. Pleadings by pro se litigants, regardless of deficiencies, should only be judged by function, not form. *Haines v. Kerner*, 404 U.S. 519, 521 (1972).

Even broadly construed, Plaintiff's Motion fails procedurally. In his motion, Plaintiff requests an order directing Valley Hospital to provide copies of Plaintiff's medical records. *Plaintiff's Motion*, (ECF No. 17), page 2. Although the Court is in no way identifying all of the rules and procedures that Plaintiff must follow, Rule 45 of the Federal Rules of Civil Procedure governs and sets forth the duties and obligations regarding issuance of subpoenas. Plaintiff may serve a subpoena on a third-party to obtain documents relevant to his case. *See Fed. R. Civ. Pro. 45*. If a subpoena is not complied with when required, the Court may then intervene. *Id.* Rule 26 of the Federal Rules of Civil Procedure sets forth the general provisions governing discovery. Plaintiff should carefully review the Federal Rules

1 of Civil Procedure and the Local Rules of Practice for the District of Nevada to ensure that he follows
2 the appropriate procedures. Accordingly,

3 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Order to Obtain to Support Discovery
4 Medical Records from Valley Hospital (ECF No. 17) is **denied**.

5 DATED this 21st day of June, 2016.

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8 GEORGE FOLEY, JR.
9 United States Magistrate Judge
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